

**Case Officer:** Katherine Daniels

**Applicant:** Neptune Land Promotion Ltd, Mr I Smith, Mrs L Smit

**Proposal:** Outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 50 homes (Use Class C3) together with associated infrastructure, open space and landscaping; and retained agricultural field

**Ward:** Deddington

**Councillors:** Councillor McLernon, Councillor Rogers, Councillor Reeves

**Reason for Referral:** Major development of 10+ dwellings

**Expiry Date:** 31<sup>st</sup> July 2025

**Committee Date:**

31<sup>st</sup> July 2025

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**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO RESOLUTION OF NATURESPACE'S OBJECTION, CONDITIONS AND A S106 LEGAL AGREEMENT**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located off Bloxham Road in Milcombe. It is a rectangular field, with a footpath crossing diagonally through the site. A modern housing estate off New Road is located to the west of the application site. The field is arable, and has a hedgerow along its boundary. Open countryside is located to the north, east and south of the site. There is a residential building at the south-eastern corner.

**2. CONSTRAINTS**

- 2.1. The site is not within a conservation area, and there is a public rights of way through the site. The site is within an archaeological alert area, and it is Grade 3 Best and Most Versatile Land (BMVL)

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. This is an outline application for the erection of up to 50 dwellings, with associated infrastructure, open space and landscaping. The application seeks to create a new access off Bloxham Road, with all other matters reserved.
- 3.2. The proposed development would be served by a single point of access from Bloxham Road, which will serve the retail, village hall as well as the housing. The proposal includes a play area, green infrastructure to the east, pumping stations, and public open space. The masterplan submitted with the application is indicative at this stage.
- 3.3. The applicant has confirmed that the site is available and deliverable and will help the Council meet its five year housing land supply shortfall. They advise that to expedite the delivery of housing, the Neptune Group (parent company of the applicant) would

deliver the housing and advise that they have a strong track record of building high quality homes across the UK over the past 20 years. They anticipate that the reserved matters would be submitted within 12 months, commencement by mid-2027 and completed by end of 2029.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. 23/01144/OUT - Outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 90 homes (use class C3) together with associated infrastructure and open space, landscaping, including provision of land for new village hall (use class F2(b)) and retail space (use class E). – refused.

#### **5. PRE-APPLICATION DISCUSSIONS**

- 5.1. No pre-application discussions have taken place with regard to this proposal

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **25 February 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. 25 letters of objection have been received, 3 letters of comment and 1 letter of support. The comments raised by third parties are summarised as follows:
  - Too many houses for the size of Milcombe
  - Impact on residential amenity
  - Highway Safety impacts
  - No requirement for a new shop
  - Not sufficient infrastructure
  - Impact on Ecology
  - Impact on character and appearance of the locality.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

#### **7. RESPONSE TO CONSULTATION**

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. MILCOMBE AND BLOXHAM PARISH COUNCIL: **Objects** on the grounds of over-development; outside the village confines; adding to traffic problems in the area, Infrastructure is not sufficient. Although a Cat A village, it is likely to be downgraded

in the new Local Plan. Village is not large enough to cope with two village shops, and the existing community hall is centrally located within the village. Has experienced much growth in the last few years.

- 7.3. OCC HIGHWAYS: **No objections** subject to S106 contributions and conditions
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to conditions
- 7.5. OCC EDUCATION: **No objections** subject to S106 for primary, secondary and special education contributions
- 7.6. OCC ARCHAEOLOGY: **No objections** subject to conditions
- 7.7. OCC WASTE MANAGEMENT: **No objections** subject to S106 contributions towards household waste facilities
- 7.8. CDC ECOLOGY: **No comments** received to date
- 7.9. NATURESPACE: **Objection** subject to further investigation into Great Crested Newts
- 7.10. CDC RECREATION AND LEISURE: **No Objections** subject to S106 contributions for community hall facilities, outdoor sports provision, Indoor Sports provision, Public Art
- 7.11. BOBICB: No objection subject to monies to contribute towards additional clinical capacity at Hook Norton or Bloxham Surgeries

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC8: Securing health and wellbeing
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction

- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD8: Water resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- INF1: Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Cherwell Annual Monitoring Report (2024 AMR) (February 2025)
- Housing and Economic Needs Assessment (December 2022)

### 9. APPRAISAL

#### 9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area

- Heritage impact
- Residential amenity
- Ecology impact

## Principle of Development

### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015'), the saved policies of the Cherwell Local Plan 1996 ('CLP 1996').
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell, with Milcombe classed as a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. The categorisation of villages was informed by a defined range of sustainability criteria as they applied in 2014-15 (CLP 2015 para C.255). PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As a Category A village Milcombe is identified by the Local Plan as being a suitable settlement for minor development, infilling and conversions.
- 9.5. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.6. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.7. The published Cherwell District Council latest Annual Monitoring Report dated February 2025 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell Local Plan and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.8. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development (paragraph 11d of the NPPF) applies.
- 9.9. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
  - i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or

- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.10. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.11. The recently published National Planning Policy Framework (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.
- 9.12. The refence to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.
- 9.13. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 9.14. Limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan removes Milcombe as a Category A Village Settlement. There are a number of objections to this policy, therefore the weight attached to this emerging policy is limited.

#### *Assessment*

- 9.15. The 2024 Annual Monitoring Report confirms that the LPA can only demonstrate a 2.3 year housing land supply at present, in light of which paragraph 11(d) of the NPPF is engaged.
- 9.16. Engagement of the 'tilted balance' under paragraph 11(d) does not mean that the Local Development Plan is set aside, as the assessment of a proposal against adopted LDP Policies can facilitate the overall assessment of the benefits and adverse impacts of a scheme in relation to the NPPF as a whole, but it does mean that the relevant local plan policies i.e. those relating to housing are afforded less weight, in particular, the numerical elements of those policies.
- 9.17. This application seeks outline planning permission for the development of agricultural land for a scheme of up to 50 dwellings. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is outside of the existing built-up form of Milcombe is therefore in open countryside.

- 9.18. The development would not be in accordance with the development plan's allocations – the site is not allocated for development, over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable areas such as Banbury, Bicester and Kidlington. However, given the current housing land supply within the district the tilted balance is engaged. It is considered that the proposed development would be in a sustainable location on the edge of a Category A village, and is close to a wide range of facilities including, shops, community centres and has good transport links to towns including Bloxham, Banbury and Chipping Norton. The site is bounded by a road to the north, residential development to the west, and open countryside to the east, and south of the site. The masterplan submitted with the application indicates that the development would occur to the west of the site, with open space to the east and south of the site. This indicates that the proposal could be designed so it is adjacent to the main built up area of Milcombe.
- 9.19. The applicant has confirmed that the site is available and deliverable, with the applicant's parent company building the homes, with the housing being completed by 2029.

#### *Conclusion*

- 9.20. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location.
- 9.21. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years. As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. The site is located on the edge of one of the more sustainable villages within Cherwell and would benefit from proximity to existing infrastructure and facilities. Whilst there may be some impact upon the character and appearance of the open countryside and locality through the development of this greenfield site, it is considered that the harmful impact could be mitigated.

#### Design and impact on the character of the area

##### *Policy context*

- 9.22. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets*.
- 9.23. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density*. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.24. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

9.25. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

#### *Assessment*

9.26. This is an outline application, in which – except for access – all matters are reserved to be considered at a later stage. The proposal includes a masterplan which gives details on how the site could be developed if outline consent is granted. The masterplan shows a buffer area to the boundary of the site adjoining the countryside to the north and east. This includes Sustainable Urban Drainage features and footpaths through an area of open space. The indicative road layout also separates the green buffer from the proposed dwellings. In effect, the proposal seeks to have a perimeter road to the east and south edge. It is noted that the indicative layout is similar for this application to the northern part of the previous proposal for a larger number of dwellings.

9.27. The site comes under the Rolling Village Pastures and the upstanding Village Farmlands landscape character area. Some of the key characteristics are a strong undulating landform of rounded hills and small valleys, densely scattered hedgerow trees and well-defined nucleated villages with little dispersal into the wider countryside.

9.28. The LVIA states that the impact of the proposed development of the Landscape would have moderate to adverse impact within the site and its surroundings, and slight adverse on the wider landscape, with some areas being neutral. The proposed development would have an urbanising effect on this part of the countryside, emphasised by the flat nature of the site and its concomitant visibility from a wider area, though the proposal would be seen in context to the existing residential properties to the west.

9.29. The development would lead to a negative impact on the character and appearance of the locality. The existing estate to the west is a modern stand-alone development, and the further development of this area could further impact on its overall character, which is further exacerbated by the public right of way running through the site. The proposed development would further disperse into the wider countryside, and closer to Bloxham, and away from Milcombe's historic core.

9.30. The scale of the development has been reduced, from the previously refused application for up to 90 houses, to up to 50 houses. As noted above, the indicative layout is similar for this application to the northern part of the previous proposal for a larger number of dwellings, leaving the southern part of the site undeveloped but capable of being developed at a later date. Officers would be concerned if the detailed design was to come forward as per the indicative layout because the reality would be a similarly urbanising impact.



- 9.31. However, if the whole of the site was developed for the lower number, this would reduce the overall urbanisation on the character and appearance of the locality from that of the recently refused application, i.e. provided the density of the development reduces in line with the reduced number of dwellings. The applicant has confirmed that the density of the development would be less than 30 dwellings per hectare, which is not in accordance with the requirements of Policy BSC2. However, given its location at the edge of the village and its visual impact, it is considered a density of less than 30 dwellings per hectares may be appropriate in this particular location in order to make development of this scale acceptable.
- 9.32. The application submission states that the dwellings would be a maximum of two-storey dwellings. However, scale is a reserved matter and not to be assessed here. A condition could be imposed to ensure building height details are submitted as part of any approval.
- 9.33. Overall, the proposal would be a significant addition to the village and would have a significant visual impact, resulting in some harm to the character and appearance of the locality. This weighs against the proposal.

#### Highways impact

- 9.34. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.35. In addition, paragraph 116 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.36. The Local Highway Authority originally raised objections to the proposal; however, the previous application for 90 was not refused on highway grounds. The applicants have sought to overcome the concerns of the Local Highway Authority and have now done so and the LHA does not object on highway grounds. The proposal is thus considered acceptable in highway safety terms.

#### Drainage

- 9.37. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.38. Paragraph 182 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- 9.39. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.40. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.41. The current situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority has commented on this and does not have an objection to the scheme provided suitably worded conditions are imposed, and the Environment Agency also consider the proposal will not increase the risk of flooding.
- 9.42. The proposal is therefore considered to be acceptable in terms of flood risk and drainage.

#### Residential amenity

- 9.43. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.44. The application is in outline form at this stage; therefore, the consideration of residential amenity is more relevant at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact on the amenities of the existing properties and proposed dwellings. This is helped further by the reduction in the overall number of dwellings from 90 to 50.

- 9.45. It is therefore considered that residential amenity is not a sound basis on which to refuse the application.

#### Ecology impact

##### *Legislative context*

- 9.46. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.47. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.48. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.49. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - (2) That there is no satisfactory alternative.
  - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.50. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

##### *Policy Context*

- 9.51. Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.52. Paragraph 193 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.53. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.54. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.55. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.56. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.57. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.58. The applicant has provided a Biodiversity Impact Assessment and a Preliminary Ecological Assessment, which considered there will be opportunities for nesting birds hedgerow and trees, sheltering reptiles, foraging bats, wild mammals and priority species. There is a potential loss of or damage to active birds nests, and harm to existing reptiles on site or badgers and other wild animals.
- 9.59. The ecology statement carries several recommendations to ensure the development does not have a negative on ecology. The recommendations within the report include

habitat enhancements. This includes details for appropriate landscaping scheme which will help support biodiversity, including native species, bat and bird boxes, and ongoing management of habitats.

- 9.60. Further recommendations include having a suitably qualified ecologist to ensure the vegetation removal does not impact on any reptile species. This also includes mammals.
- 9.61. The proposal includes a biodiversity net gain of 12.49% on site habitat units and 25.04% in hedgerow units.
- 9.62. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.63. Officers are satisfied, in the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

#### Sustainable construction

- 9.64. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 164 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 165 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

#### *Development Plan*

- 9.65. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.66. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the

Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.

- 9.67. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

#### *Assessment*

- 9.68. The application is at outline stage; therefore, it is not clear how the dwellings would be constructed, and how many sustainable features would be used as part of the development of the scheme. The applicant has stated that the design would incorporate sustainable features to achieve a carbon positive development. The applicant has also provided an Energy and Sustainable Statement. It is considered that the development is likely to adhere to these policies; however, this would be confirmed at the reserved matters stage.

#### S106

- 9.69. Paragraph 58 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 9.70. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:

- 9.71. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.72. Policy BSC 3 of the CLP 2015 states, amongst other things that at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.
- 9.73. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.74. This application is for up to 50 residential units on the site, which would represent a major application in terms of definition. For this reason, the application would need to provide an element of affordable housing as part of the proposal.
- 9.75. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 16 units.
- 9.76. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.77. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the CLP 2015. The proposed masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.
- 9.78. It is noted that the Parish Council have requested an area for a community hall with the parking of twelve cars. This was something which the previous application included, however this current application, which is for a smaller amount of housing does not. The Recreation and Leisure team has requested contributions towards the improvement to the existing facilities. It is considered that the provision of land for a new community hall in this particular case does not meet the relevant tests and should not be requested to mitigate against the impact of an additional 50 dwellings for the village.
- 9.79. As such it is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development would comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

*Positive benefits - Economic*

- 10.2. The proposals would contribute to the Council's Shortfall in Housing Supply due to the size and duration of the project. The applicants are satisfied the development of the dwellings could be brought forward in a timely manner. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided this should also be afforded significant positive weight.
- 10.3. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement is served by regular public transport services. Environmentally, it would provide new planting and some enhancements for a range of ecological habitats available for wildlife and the setting of the site. It is considered that the proposed development fulfils the requirements of paragraph 8 of the Framework and could be considered sustainable. These aspects are explored in greater detail through the coming paragraphs.

*Social*

- 10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.
- 10.5. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing. Very significant weight is afforded to the provision of affordable housing.
- 10.6. The proposals would also provide significant social benefit from on-site recreation and play facilities, which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.
- 10.7. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy, thus carrying neutral weight in the planning balance.

*Environmental*

- 10.8. The proposals also commit to a minimum of 10% biodiversity net gain, but as this is to comply with policy it carries neutral weight in the planning balance.



- 10.9. Milcombe has a number of services and employment opportunities. It is a Category A village and, with a shop, public house and on an active bus route, one of the more sustainable villages within the district. The site's relatively sustainable location is afforded some positive weight.

*Negative impacts*

- 10.10. The site is positioned beyond the existing built-up limits of the village on the eastern side and is an area of countryside. There would be some urbanisation of the site, and it would result in some harm to the character and appearance of the locality. Significant weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

*Conclusion*

- 10.11. On the basis that the Council is not able to demonstrate a five-year supply of land of housing, paragraph 11d of the NPPF is engaged and the 'titled balance' applies.
- 10.12. The proposal seeks permission for up to 50 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 has exceeded 750, the numerical elements of the Council's housing policies are out of date given the Council's housing land supply position. In such a scenario, this policy is considered simply to be reflective of a strategy to direct residential development to the most sustainable settlements in the District. Milcombe is a Category A village and is one of the more sustainable villages in the District.
- 10.13. Overall, subject to conditions as set out above and in the recommendation below, it is considered that the benefits of the scheme outweigh the harm it would cause and therefore the application is recommended for approval.

## **11. RECOMMENDATION**

### **DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO**

- 1. NO OBJECTIONS FROM NATURE SPACE**
- 2. THE ENTERING INTO A S106 TO INCLUDE THE CONTRIBUTIONS AND INFRASTRUCTURE AS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY); AND**
- 3. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**
  - 1. Provision of 35% affordable housing on site**
  - 2. Payment of a financial contribution towards off outdoor site sports and recreation provision in the locality of £2,017.03 per dwelling (index linked)**
  - 3. Payment of a financial contribution towards off indoor site sports and recreation provision in the locality of £40 238.40 (index linked)**
  - 4. Payment of a financial contribution towards the provision of Household Waste Recycling Centres of £5 094 (index linked)**
  - 5. On-site provision of an equipped Local Area of Play and payment of a financial contribution to be confirmed (index linked) towards maintenance or other management provisions thereof**
  - 6. Payment of a financial contribution towards the maintenance of on-site Open Space**

7. Payment of a financial contribution towards community hall facilities of £64, 824 (index linked)
8. Provision of a Habitat Management and Monitoring Plan (including funding) to secure long-term biodiversity net gain
9. Payment of a financial contribution towards public transport provision of £56 650 (index linked)
10. Payment of transport infrastructure (if not dealt with the S278) contribution £20 944
11. Payment of Traffic Regulations Order contribution: £4 224 (Index linked)
12. Payment of a financial contribution towards improvements to Public Rights of Way in the vicinity of the site of £35 000 (index linked)
13. Payment of a financial contribution towards Primary education needs in the locality £472 074 (index linked)
14. Payment of a financial contribution towards Secondary education needs in the locality £410 076 (index linked)
15. Payment of a financial contribution towards Special Needs Education needs in the locality £47 215 (index linked)
16. Payment of a financial contribution towards the expansion of Hook Norton and Bloxham Surgeries £45 309 (indexed linked)
17. Payment of the Council's monitoring costs to be confirmed

**FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31<sup>ST</sup> JULY 2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework

## **CONDITIONS**

### **Time Limit**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 Months from the date of this permission and the development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

#### **Compliance with Plans**

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

#### **CONDITIONS TO BE DISCHARGED PRIOR TO COMMENCING DEVELOPMENT**

4. No development shall commence including any demolition unless and until a professional archaeological organisation acceptable to the Local Planning Authority has prepared an Archaeological Written Scheme of Investigation, relating to the application site area and which has been submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2023).

5. Following the approval of the Written Scheme of Investigation referred to in condition 5, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2023).

6. No development shall commence [on any phase], including any works of demolition until a Construction Environment and Traffic Management Plan [for that phase] has been submitted to and approved in writing by the local planning authority. The statement shall provide for at a minimum:

- The parking of vehicles of site operatives and visitors;

- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- Measures to control the emission of dust and dirt during construction;
- Delivery, demolition and construction working hours;
- The mitigation measures recommended at [Add References] of the submitted Environmental Statement [Date]

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

8. No development shall commence unless and until a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. If contamination is found by undertaking the work carried out under condition 8 if remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

### **CONDITIONS TO BE DISCHARGED PRIOR TO OCCUPATION**

11. Prior to first occupation of any of the dwellings hereby approved, a Travel Information Pack shall be submitted to and approved in writing by the local planning authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby approved, a Travel Plan Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

### **COMPLIANCE CONDITIONS**

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

### **INFORMATIVES**

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water

Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

CASE OFFICER: Katherine Daniels